

Case 1:04-cv-00204-DAE-KSC Document 61 Filed 06/27/2006 Page 1 of 13

ECO

DAVID C. FARMER 3946-0
 225 Queen Street, Suite 15A
 Honolulu, Hawaii 96813
 Telephone: 222-3133

Attorney for Plaintiff
 MOUNTAIN WEST CONFERENCE

FIRST CIRCUIT COURT
 STATE OF HAWAII
 FILED

2003 OCT 27 AM 10:59


 F. OTAKE
 CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MOUNTAIN WEST CONFERENCE,

) S.P. NO. 03-1-0432 (RWP)

Plaintiff,

) EXEMPLIFIED FOREIGN JUDGMENT;
 vs.) AFFIDAVIT OF DAVID C. FARMER;
) EXHIBIT "A"

ALOHA SPORTS, INC.,

)

Defendant.

)

)

EXEMPLIFIED FOREIGN JUDGMENT

MOUNTAIN WEST CONFERENCE, by and through its attorney David C. Farmer, hereby files with the Circuit Court of the First Circuit, State of Hawaii, pursuant to Hawaii Revised Statutes Chapter 636C, Uniform Enforcement of Foreign Judgments Act, an exemplified copy of the following Order on Plaintiff's Motion for Summary Judgment and Amended Final Judgment, filed in the Superior Court, King County, Washington, in Case No. 03-2-20959-7 SEA, and attached hereto as Exhibit "A."

I do hereby certify that this is a full, true and correct copy of the original on file in this office.

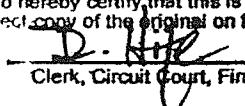
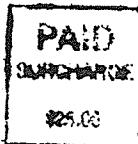
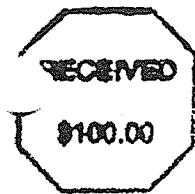

 Clerk, Circuit Court, First Circuit


EXHIBIT 60
 Exhibit "I"

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DATED: Honolulu, Hawaii; OCTOBER 27, 2003.

David Farmer

DAVID C. FARMER

Attorney for Plaintiff

MOUNTAIN WEST CONFERENCE

MOUNTAIN WEST CONFERENCE GNLV, CORP vs. ALOHA SPORTS, INC., Exemplified
Foreign Judgment

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MOUNTAIN WEST CONFERENCE,)	S.P. NO. _____
)	
Plaintiff,)	AFFIDAVIT OF DAVID C. FARMER
vs.)	
ALOHA SPORTS, INC.,)	
)	
Defendant.)	
)	
)	

AFFIDAVIT OF DAVID C. FARMER

STATE OF HAWAII)	
)	SS.
CITY AND COUNTY OF HONOLULU)	

DAVID C. FARMER, being first duly sworn on oath, deposes and says as follows:

1. I am counsel for Plaintiff herein. I make this affidavit based upon personal knowledge and am competent to testify to the matters herein.
2. Attached hereto as Exhibit "A" is a true and correct copy of Order on Plaintiff's Motion for Summary Judgment and Amended Final Judgment, filed in the Superior Court, King County, Washington, in Case No. 03-2-20959-7 SEA, certified by Barbara Miner, County Clerk of the Superior Court, King County, State of Washington, and by the Honorable Richard D. Eadie, Judge of the Superior Court, King County, State of Washington, showing that, on or about June 20, 2003, Order Granting Summary Judgment Against Defendant Aloha Sports and in Favor of Plaintiff Mountain West

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Conference was entered, in the principal amount of TWO HUNDRED FIFTY THOUSAND and No/100 Dollars (\$250,000.00) and interest in the amount of ELEVEN THOUSAND FIVE HUNDRED SIX and 60/100 Dollars (\$11,506.60), which was amended September 26, 2003 by Amended Judgment, adding attorney's fees in the amount of FOUR THOUSAND NINE HUNDRED SEVENTY THREE and No/100 DOLLARS (\$4,973.00) and costs in the amount of ONE HUNDRED NINTY FIVE DOLLARS and No/100 DOLLARS (\$195.00). Post-judgment interest accrues under Washington law at the rate of 12% per annum.

FURTHER AFFIANT SAITH NAUGHT.

David C. Farmer
DAVID C. FARMER

Subscribed and sworn to before me
this 21st day of October 2003,

Genal Farmer
Print Name: GENAL FARMER
Notary Public, State of Hawaii

My Commission expires: July 01, 2005

MOUNTAIN WEST CONFERENCE GNLV, CORP vs. ALOHA SPORTS, INC., Exemplified
Foreign Judgment

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**Superior Court of Washington
County of King**

MOUNTAIN WEST CONFERENCE,

Plaintiff, No: 03-2-20959-7 SEA

vs.

ALOHA SPORTS, INC.,

Defendant.

CERTIFICATE OF EXEMPLIFICATION

I, BARBARA MINER County Clerk of the Superior Court, King County, State of Washington, certify that I have compared the copy/copies listed below with the original on record in my office and the attached is a true copy of said original. I further certify that RICHARD D. EADIE, whose genuine signature appears below is and was at the time of signing, Presiding Judge of the Superior Court, King County, State of Washington.

I, RICHARD D. EADIE, Judge of the Superior Court, King County, State of Washington, the same being a court of record, do hereby certify that BARBARA MINER, whose genuine signature appears below is and was at the time of signing, Clerk of the Superior Court of King County, State of Washington and the legal custodian of records and seal of said Superior Court. I further certify that this attestation is in proper form according to the laws of the State of Washington.

WITNESS my hand this October 7, 2003

(SEAL)

The handwritten signature of Richard D. Eadie, followed by his name in printed capital letters.

SUPERIOR COURT PRESIDING JUDGE

WITNESS my hand this October 7, 2003

(SEAL)

(SEAL)

The handwritten signature of Barbara Miner, followed by her name in printed capital letters.

SUPERIOR COURT CLERK

Document Title: 1) ORDER ON PLTF'S MOTION FOR SUMMARY JUDGMENT 2) AMENDED FINAL JUDGMENT

CERTIFICATE OF EXEMPLIFICATION

(U.S. Code (1776) Title 28; Section 738, RCW 2.32.050, RCW 5.44.010 & CR 44)

rev 2/97 mail merge

EXHIBIT "A"

Exhibit "I"

Case 1:04-cv-00204-DAE-KSC Document 61 Filed 08/04/2006 Page 6 of 13

SUPERIOR COURT OF WASHINGTON - COUNTY OF KING

ABSTRACT OF JUDGMENT

TITLE: MOUNTAIN WEST CONFERENCE VS ALOHA SPORTS INC - \$266,674.60

JUDGMENT NUMBER: 03-9-29046-2
CASE NUMBER: 03-2-20959-7

SIGNED BY: JUDGE JOHN ERLICK

DATE SIGNED: 06/20/2003

DATE FILED: 06/20/2003

EFFECTIVE DATE: 06/20/2003

NOTE:

-----ORIGINAL PARTIES TO ACTION-----

PLAINTIFF: MOUNTAIN WEST CONFERENCE
DEFENDANT: ALOHA SPORTS
ATTY FOR PLA. / PETITIONER: HENRY, ROBERT JASON
ATTY FOR DEFENDANT: ALOHA SPORTS

-----JUDGMENT DEBTORS-----

DEBTOR: ALOHA SPORTS INC

-----JUDGMENT CREDITORS-----

CREDITOR: MOUNTAIN WEST CONFERENCE

-----ATTORNEY(S) FOR CREDITOR-----

ATTY CR: HENRY, ROBERT JASON

DATE	EXECUTION DOCKET	\$ AMOUNT
06/20/2003	! ORDER GRANTING SUMMARY JUDGMENT	
	! AGAINST DEFT, ALOHA SPORTS INC & IN FAVOR OF	
	! PLTF, MOUNTAIN WEST CONFERENCE	250,000.00
	! INTEREST FROM 2-1-03	11,506.60
	! ATTY FEES & COSTS - TBD	
	! TOTAL: \$261,506.60	
	! INT @ 12% PER A	
08/27/2003	! EXEMPLIFIED COPY ISSUED	8.00
09/26/2003	! AMENDED JUDGMENT	
	! ADDS THE FOLLOWING:	
	! ATTY FEES	4,973.00
	! COSTS	195.00
	! INT @ 12% PER A FROM 6-20-03	
10/07/2003	! EXEMPLIFIED COPY ISSUED	11.00

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KING SUPERIOR COURT - ABSTRACT OF JUDGMENT - 03-9-29046-2 PAGE 2

I, PAUL L. SHERFEY, CLERK OF THE SUPERIOR COURT IN AND FOR KING COUNTY, STATE OF WASHINGTON, DO HEREBY CERTIFY THAT THE ABOVE IS A FULL, TRUE AND CORRECT ABSTRACT OF JUDGMENT IN THE ABOVE ENTITLED ACTION AS THE SAME APPEARS OF RECORD IN MY OFFICE.

WITNESS MY HAND AND THE SEAL OF THE SAID SUPERIOR COURT AT MY OFFICE IN SEATTLE, THIS 7TH DAY OF OCTOBER, 2003.

PAUL L. SHERFEY, SUPERIOR COURT CLERK

BY 

DEPUTY CLERK

Case 1:04-cv-00204 DAE-KSC Document 61 Filed 08/04/2006 Page 8 of 13

FILED

2003 JUN 20 PM 12:31

KING COUNTY
 SUPERIOR COURT CLERK Honorable John Erlick
 SEATTLE WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 COUNTY OF KING

MOUNTAIN WEST CONFERENCE,

NO. 03-2-20959-7 SEA

Plaintiff,

ORDER ON PLAINTIFF'S MOTION
 FOR SUMMARY JUDGMENT

v.

ALOHA SPORTS, INC.,

Defendant.

JUDGMENT SUMMARY

JUDGMENT CREDITOR:

Mountain West Conference

Attorney for Creditor:

Robert J. Henry
 Lasher Holzapfel Sperry & Ebberson, PLLC
 2600 Two Union Square
 601 Union St.
 Seattle, WA 98101-5000
 (206) 624-1230

Judgment Principal

\$250,000.00

Interest at 12% per annum
(From Feb. 1, 2003)

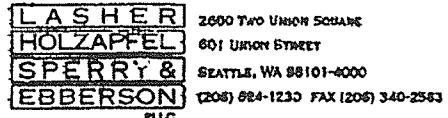
\$11,506.60

Cost of Suit

To be determined

Attorney's Fees

To be determined

TOTAL JUDGMENT**\$261,506.60**ORDER ON SUMMARY JUDGMENT - 1
 (R:\\Clients\\12955\\S198927.DOC)

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1 Post-judgment interest rate of 12% per annum.
2 Plaintiff is entitled to post-judgment attorney's fees and costs.

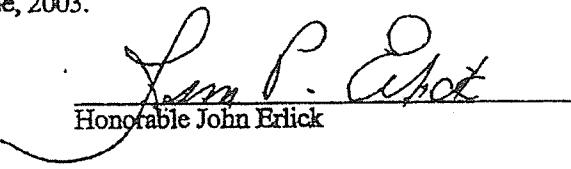
3 JUDGMENT DEBTOR(S): Aloha Sports, Inc.
4 Attorney for Debtors: Jared Karstetter

5 THE COURT, having reviewed Plaintiff's Motion for Summary Judgment and supporting
6 declarations; Defendant's Response to Plaintiff's motion and supporting declarations, if any; and
7 Plaintiff's Reply, if any; and the records and pleadings filed herein; and it appearing that the
8 Defendant is liable as a matter of law for breach of its Agreement with Plaintiff, it is hereby

9 ORDERED AND ADJUDGED that the Plaintiff's Motion for Summary Judgment is hereby
10 GRANTED; that Defendant Aloha Sports, Inc. is liable to Plaintiff Mountain West Conference for
11 breach of contract as a matter of law; and the Plaintiff shall have judgment against Defendant in the
amount of \$250,000.00, plus pre-judgment of \$11,506.60; and it is;

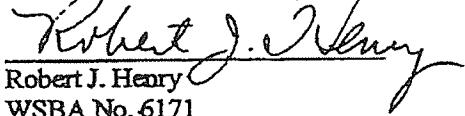
12 FURTHER ORDERED AND ADJUDGED that Plaintiff is entitled to an award of a
13 reasonable attorney fee and shall submit to this Court a cost bill and fee request with Findings of
14 Fact and Conclusions of Law regarding attorneys' fees and costs.

15 DATED this 20th day of June, 2003.

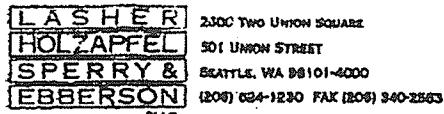
16 
Honorable John Erlick

17 Presented by:

18 LASHER, HOLZAPFEL,
19 SPERRY & EBBERSON, P.L.L.C.

20 
Robert J. Henry
21 WSBA No. 6171
22 Attorney for Plaintiff

23 ORDER ON SUMMARY JUDGMENT - 2
(RA Clients\12955\198927.DOC)



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FILED

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1 KING COUNTY:
2 SUPERIOR COURT CLERK:
3 SEATTLE, WAThe Honorable John Erlick
Motion Noted for September 16, 2003
Without Oral Argument6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 COUNTY OF KING

8 MOUNTAIN WEST CONFERENCE,

9 NO. 03-2-20959-7 SEA

10 Plaintiff,

11 v. AMENDED FINAL JUDGMENT

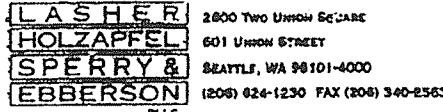
12 ALOHA SPORTS, INC.,

13 Defendant.

Clerk's Action Required15 JUDGMENT SUMMARY

1. Judgment Creditor: Mountain West Conference
2. Judgment Debtor: Aloha Sports, Inc.
3. Principal Judgment Amount: \$ 250,000.00
4. Interest to Date of Judgment: \$ 11,506.60
(to June 20, 2003)
5. Attorney's Fees: \$ 4973.00
6. Costs: \$ 195.00
7. Other Recovery Amounts: \$ - 0 -

ORIGINAL

AMENDED FINAL JUDGMENT - 1
(R:\Clients\11600\S212005.DOC)

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8. Principal Judgment Amount: Shall Bear Interest at 12% Per Annum from and after June 20, 2003.
9. Attorney's Fees, Costs and Other Recovery Amounts: Shall Bear Interest at 12% Per Annum from and after the date of this Judgment.
10. Attorney for Judgment Creditor: Robert J. Henry of Lasher Holzapfel Speery & Ebberson, P.L.L.C.

THIS MATTER came on regularly and duly upon the motion of Mountain West Conference for an award of attorney fees and costs, in amendment to the money judgment previously entered herein on June 20, 2003, and the court having heretofore entered its Findings of Fact and Conclusions of Law, IT IS HEREBY

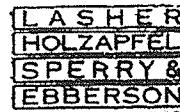
ORDERED, ADJUDGED AND DECREED that the plaintiff Mountain West Conference is awarded judgment against defendant Aloha Sports, Inc. in the amount \$ 4973.00 for reasonable attorney fees and in the amount of \$ 195.00 for costs of litigation; and it is

FURTHER ORDERED, ADJUDGED AND DECREED that the above judgment for attorney fees and costs shall bear interest from date of entry until paid at the rate of 12% per annum, and it is

FURTHER ORDERED, ADJUDGED AND DECREED that the judgment previously entered herein on June 20, 2003 is hereby amended to include the award of attorney fees and costs. The Court previously entered judgment in the principal amount of \$250,000.00 together with prejudgment interest of \$11,506.00. The principal judgment shall bear interest at 12% per annum from and after June 20, 2003.

DONE IN OPEN COURT this 23rd day of September, 2003.

JUDGE JOHN FRICK

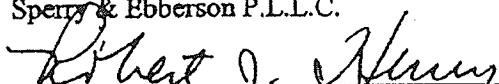


**2500 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WA 98101-4000
(206) 624-1230 FAX (206) 340-2363**

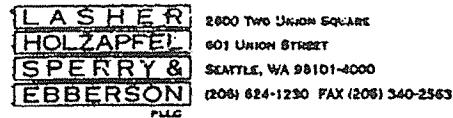
Case 1:04-cv-00204-DAE-KSC Document 61 Filed 06/27/2006 Page 12 of 13

1
2 Presented by:
3

4 Lasher Holzapfel
5 Sperry & Ebberson P.L.L.C.
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7 
8 Robert J. Henry, WSBA 6171
9 Attorney for Mountain West Conference
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AMENDED FINAL JUDGMENT - 3
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DAVID C. FARMER 3946-0
225 Queen Street, Suite 15A
Honolulu, Hawaii 96813
Telephone: 222-3133

Attorney for Plaintiff
MOUNTAIN WEST CONFERENCE

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MOUNTAIN WEST CONFERENCE,) S.P. NO. _____
)
Plaintiff,) NOTICE OF FILING EXEMPLIFIED
vs.) FOREIGN JUDGMENT
ALOHA SPORTS, INC.,)
Defendant.)
)
)

NOTICE OF FILING EXEMPLIFIED FOREIGN JUDGMENT

TO: Aloha Sports, Inc.
5251 Papai Street
Honolulu, Hawaii 96821

Pursuant to the provisions of the Hawaii Revised Statutes, Section 636C-4(b),
NOTICE IS HEREBY GIVEN of the docketing of the judgment in this court.

DATED: Honolulu, Hawaii; _____.

BY ORDER OF THE COURT

Clerk of the Above-Entitled Court